

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOSEPH STEVENSON

PETITIONER

V.

NO. 4:15-CV-00103-DMB-DAS

STATE OF MISSISSIPPI

RESPONDENT

**ORDER TRANSFERRING CASE TO
FIFTH CIRCUIT COURT OF APPEALS**

This matter is before the Court, *sua sponte*, for consideration of the transfer of this cause. Joseph Stevenson has submitted a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. Stevenson was convicted of statutory rape on June 12, 2007. He has filed at least one other unsuccessful § 2254 motion concerning the same conviction which he now seeks to challenge. *See Stevenson v Davenport*, No. 4:13-CV-00027-SA-DAS (dismissed as untimely filed on July 30, 2013).

The Antiterrorism and Effective Death Penalty Act provides:

Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

28 U.S.C. § 2244(b)(3)(A). Stevenson has not obtained such an order. Rather than dismissing the petition on this basis, the Fifth Circuit of Appeals permits district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(c). *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Therefore, in the interest of justice and judicial economy, it is **ORDERED:**

1. That this petition be transferred to the Fifth Circuit Court of Appeals for the petitioner to seek leave to file this successive § 2254 petition;

2. That the Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(c), and *In re Epps*, 127 F.3d at 365; and

3. This case is **CLOSED**.

SO ORDERED, this 23rd day of September, 2015.

/S/ Debra M. Brown
UNITED STATES DISTRICT JUDGE